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REMARKS

Claims 1-11, 17, 29, 37 and 38 were pending in the application. Claims 17, 29, 37 and 38 have been cancelled herein as being directed to a non-elected invention. Claims 7 and 9-11 have been cancelled as being directed to non-elected species. Claims 1, 2 and 4 have been amended and new claim 39 has been added. Support for the amendments to the claim and for the new claim can be found throughout the specification and claims as originally filed. Specifically, support for new claim 39 can be found, for example, in claims 1-3 as filed and on page 3, lines 24-30 of the specification. No new matter has been added.

Rejection of Claims 1, 4, 6, and 8 Under 35 USC 102(b)

The Examiner has rejected claims 1, 4, 6, and 8 under 35 USC 102(b) as being anticipated by Bjorkegren et al. ((2000) Circulation 101:227-230). Applicants respectfully traverse this rejection.

Bjorkegren et al. teach that subjects having early asymptomatic atherosclerosis have ApoC1-enriched VLDL particles. Bjorkegren et al. does not teach or suggest that increased levels of ApoC1 protein in a biological sample from a subject are indicative that the subject is at increased risk for developing atherosclerosis-associated plaque rupture or myocardial infarction, as currently claimed.

Moreover, Bjorkegren et al. demonstrate that increased ApoC1 is associated with VLDL. Specifically, they conclude that early asymptomatic atherosclerosis in normolipidemic men without exaggerated postprandial triglyceridemia is associated with the enrichment of postprandial chylomicron and VLDL articles with ApoC1. Bjorkegren et al. do not teach or suggest increased ApoC1 associated with HDL as set forth in new claim 39.

Finally, Bjorkegren et al. only evaluate a population of male subjects, not female subjects as currently elected.

Accordingly, based on the foregoing, Applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

Rejection of Claims 1-3 and 8 Under 35 USC 102(a)

The Examiner has rejected claims 1-3 and 8 as being anticipated by Conde-Knape et al. ((2002) J. Lipid Research 43:2136-45). Applicants traverse this rejection.

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However, while in no way acquiescing to the validity of the Examiner's rejection and solely in the interest of expediting prosecution, Applicants have amended claim 1 to indicate that the subjects are human.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

Rejection of Claim 5 Under 35 USC 103(a)

The Examiner has rejected claim 5 under 35 USC 103(a) as being unpatentable over Bjorkegren et al. and further in view of McNamara et al. ((2001) Atherosclerosis 154:229-36). Applicants respectfully traverse this rejection.

As indicated above, Bjorkegren et al. do not teach or suggest the claimed methods. Moreover, the teachings of McNamara et al. do not remedy the deficiencies of Bjorkegren et al.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

Rejection of Claim 5 Under 35 USC 103(a)

The Examiner has rejected claims 5 and 6 under 35 USC 103(a) as being unpatentable over Conde-Knape. Applicants traverse this rejection.

As indicated above, Conde-Knape does not teach or suggest the claimed invention. Moreover, the claimed invention is not obvious in view of the teachings of Conde-Knape. Specifically, the teachings of Conde-Knape would not lead one of ordinary skill in the art to reasonably expect that increased levels of ApoCII would be predictive of atherosclerosis-associated plaque rupture.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

Rejection of Claims 2 and 3 Under 35 USC 102/103

The Examiner has rejected claims 2 and 3 as being anticipated by Bjorkegren et al. or in the alternative as being obvious over Bjorkegren et al. Applicants traverse this rejection.

Applicants have amended claims 2, thereby making it clear what is being measured. Accordingly, the subject matter of claim 2 is not taught or suggested by Bjorkegren et al. nor is it obvious.

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Accordingly, Applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

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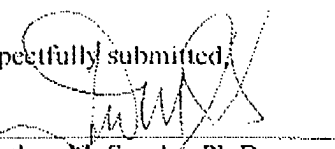
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CONCLUSIONS

In view of the above amendment, Applicants believe the pending application is in condition for allowance. Applicants reserve the right to pursue non-elected or cancelled subject matter in one or more continuing applications.

Respectfully submitted,

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